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**PROPOSED COUNSEL FOR DEBTORS**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>IN RE:</b>	§	<b>CHAPTER 11</b>
	§	
<b>NATIONAL RIFLE ASSOCIATION OF AMERICA and SEA GIRT LLC,</b>	§	<b>CASE NO. 21-30085-hdh11</b>
	§	
<b>DEBTORS<sup>1</sup></b>	§	<b>Jointly Administered</b>

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**DEBTORS' MOTION FOR LEAVE TO FILE UNDER SEAL  
CERTAIN PORTIONS OF AND EXHIBITS TO DEBTORS' RESPONSE TO  
CHRISTOPHER COX MOTION TO LIFT STAY [DOCKET NO. 63]**

National Rifle Association of America (the “NRA”) and Sea Girt LLC, the debtors and debtors in possession (together, the “Debtors”) in the above-captioned bankruptcy cases (the “Bankruptcy Cases”), file this Motion (the “Motion”) For Leave to File Under Seal Certain Portions of and Exhibits to Debtors’ Response to Christopher Cox’s Motion to Lift Stay (the “Lift Stay Motion”), and in support, state as follows:

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<sup>1</sup> The last four digits of the Debtors’ taxpayer identification numbers are: 6130 (NRA) and 5681 (Sea Girt). The Debtors’ mailing address is 11250 Waples Mill Road, Fairfax, Virginia 22030.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction over the Motion to Seal under 28 U.S.C. §§ 157 and 1334. The Motion is a core matter within the meaning of 28 U.S.C. § 157(b)(2).

2. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory and other bases for the relief requested herein are 11 U.S.C. §§ 105(a) and 107(b), Rule 9018 of the Federal Rules of Bankruptcy Procedure, and Rule 9077-1 of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas.

### **RELIEF REQUESTED**

4. Debtors seek an order allowing certain matters related to an arbitration with Christopher Cox in their Response to the Motion to Lift Stay, as well as certain exhibits to the Declaration in support of the Response.

5. The parties in arbitration agreed to use the International Institute for Conflict Prevention & Resolution's Rules for Non-Administered Arbitration (2018) ("CPR Rules").

6. CPR Rule 18 provides (emphasis added):

Unless the parties agree otherwise, the parties, the arbitrators and CPR ***shall treat the proceedings, any related discovery and the decisions of the Tribunal, as confidential***, except in connection with judicial proceedings ancillary to the arbitration, such as a judicial challenge to, or enforcement of, an award, and unless otherwise required by law or to protect a legal right of a party.

7. The matters that the Debtors seek to file under seal are potentially covered by this Rule, and Mr. Cox has taken the position that they are covered by the Rule.

8. To err on the side of compliance with the potentially applicable CPR rule, Debtors have publicly filed a redacted copy of the Response and supporting Declaration, restricting only as much information as is necessary to protect information and matters that are arguably protected by the CPR Rules.

### **ARGUMENTS AND AUTHORITIES**

9. The Bankruptcy Code, Bankruptcy Rules, and Local Rules authorize the Court to limit the disclosure of confidential information. Section 107(b) of the Bankruptcy Code provides, in relevant part, as follows:

On request of a party in interest, the bankruptcy court shall . . . (1) protect an entity with respect to a trade secret or confidential research, development, or commercial information; or (2) protect a person with respect to scandalous or defamatory matter contained in a paper filed in a case under this title . . . .

11 U.S.C. § 107(b)(2). Section 105(a) of the Bankruptcy Code codifies the Court’s inherent equitable powers and empowers it to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

10. Bankruptcy Rule 9018 defines the procedures by which a party may move for relief under 11 U.S.C. § 107(b), providing:

On motion or on its own initiative, with or without notice, the court may make any order which justice requires (1) to protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information, [or] (2) to protect any entity against scandalous or defamatory matter contained in any paper filed in a case under the Code . . . .

Fed. R. Bankr. P. 9018. Furthermore, Local Rule 9077-1(a) provides, in relevant part, that “[a] party may file under seal any document that a statute or rule requires or permits to be so filed.” Local Bankr. R. N.D. Tex. 9077-1(a).

11. The relief requested herein is identical to the same relief requested by Cox in connection with the Lift Stay Motion [See Docket No. 65] which was granted by the Court [See Docket No. 74].

12. Based on the foregoing authority and the CPR Rules, Debtors request that this Motion be granted and that the Court enter the proposed order submitted with this Motion.

Dated: February 8, 2021.

Respectfully submitted,

/s/ Patrick J. Neligan, Jr.

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**PROPOSED COUNSEL FOR DEBTORS**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 8th day of February 2021 a true and correct copy of the foregoing was served via first class U.S. mail on the parties named on the attached Master Service List.

/s/ Douglas J. Buncher

Douglas J. Buncher

**CERTIFICATE OF CONFERENCE**

I hereby certify that on February 8, 2021, the undersigned conferred with Christopher Cox's counsel, John Harding, concerning the foregoing motion and he indicated that Cox is unopposed to the relief requested in this Motion

/s/ Douglas J. Buncher

**In re: Sea Girt LLC - Case No. 21-30080**  
**In re: National Rifle Association of America - Case No. 21-30085**

**MASTER SERVICE LIST**

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Fairfax, VA 22030

**U.S. Trustee**

Office of the United States Trustee  
Attn: Lisa Young  
Earle Cabell Federal Building  
1100 Commerce Street, Room 976  
Dallas, TX 75242

**Secured Creditors**

Atlantic Union Bank  
Attn: Andrew Kalin  
1800 Robert Fulton Drive, Suite 100  
Reston, VA 20191  
Email: [andrew.kalin@atlanticunionbank.com](mailto:andrew.kalin@atlanticunionbank.com)

**20 Largest Unsecured Creditors**

Ackerman McQueen, Inc.  
1601 Northwest Expressway  
Oklahoma City, OK 73118-1438

Membership Marketing Partners LLC  
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Fairfax, VA 22030

Gould Paper Corporation  
Attn: Warren Connor  
99 Park Avenue, 10<sup>th</sup> Floor  
New York, NY 10016

Infocision Management Corp.  
325 Springside Drive  
Akron, OH 44333

Under Wild Skies  
201 N. Union Street, Suite 510  
Alexandria, VA 22314

Valtim Incorporated  
P.O. Box 114  
Forest, VA 24551

Quadgraphics  
N63W23075 Hwy. 74  
Sussex, WI 53089

Communications Corp of America  
Attn: Judy Reid  
13195 Freedom Way  
Boston, VA 22713

Membership Advisors Public REL  
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Fairfax, VA 22030

Salesforce.Com, Inc.  
One Mark St. – The Landmark, Suite 300  
San Francisco, CA 94105

Mercury Group  
1601 NW Expressway, Suite 1100  
Oklahoma City, OK 73118

Speedway Motorsports, Inc.  
P.O. Box 600  
Concord, NC 28026

Image Direct Group LLC  
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Frederick, MD 21701

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Mountain View, CA 94043-1351

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Stone River Gear, LLC  
P.O. Box 67  
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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>IN RE:</b>	§	<b>CHAPTER 11</b>
	§	
<b>NATIONAL RIFLE ASSOCIATION</b>	§	<b>CASE NO. 21-30085-hdh11</b>
<b>OF AMERICA and SEA GIRT LLC,</b>	§	
	§	
<b>DEBTORS<sup>1</sup></b>	§	<b>Jointly Administered</b>

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**ORDER GRANTING DBETOR'S MOTION FOR LEAVE TO FILE UNDER SEAL  
CERTAIN PORTIONS OF AND EXHIBITS TO DEBTORS' RESPONSE TO  
CHIRSTOPHER COX MOTION TO SEAL**

Having considered the Debtors' Motion to Seal [Docket No. \_\_\_\_]; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b) and that this Court may issue a final order consistent with Article III of the United States Constitution;; and adequate notice of the Motion to Seal having been given under the circumstances; and the Court having reviewed and

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<sup>1</sup> The last four digits of the Debtors' taxpayer identification numbers are: 6130 (NRA) and 5681 (Sea Girt). The Debtors' mailing address is 11250 Waples Mill Road, Fairfax, Virginia 22030.

considered the Motion to Seal and any objections thereto; and after due deliberation and sufficient cause appearing therefor, it is hereby ORDERED that:

1. The Motion to Seal is GRANTED.
2. Debtors are authorized to file certain portions of its Response to Christopher Cox's Motion to Lift Stay and certain exhibits to the supporting Declaration under seal.

**###END OF ORDER###**

**Order Prepared By:**

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